

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

AMPAL-AMERICAN ISRAEL CORPORATION,
Debtor.

x
:
Chapter 7
Case No. 12-13689 (SMB)

MERHAV AMPAL GROUP, LTD. f/k/a/
MERHAV-AMPAL ENERGY, LTD.,
Plaintiff,

: Adversary Proceeding
: No. 14-02385 (SMB)

-against-

MERHAV (M.N.F.) LIMITED and
YOSEF A. MAIMAN,

Defendants.

:
:
:
:

**DECLARATION OF YOSEF A. MAIMAN IN SUPPORT
OF CROSS-MOTION FOR PROTECTIVE ORDER**

Pursuant to 28 U.S.C. § 1746, I, Yosef A. Maiman, hereby declare as follows:

A. Introduction

1. I control approximately 61.99% of the voting shares of the Class A Stock of Ampal-American Israel Corporation (the “Debtor”), which shares are held by myself, my relatives, and entities under my ownership and/or control, including Merhav (M.N.F.) Limited (“Merhav”).

2. Prior to this Court’s conversion of the Debtor’s chapter 11 bankruptcy case to chapter 7, I served as the Chairman of the Board of Directors, President and Chief Executive Officer of the Debtor.

3. Alex Spizz, the chapter 7 trustee appointed in the Debtor’s bankruptcy case,

currently exercises control over the Debtor's non-debtor subsidiaries, including Merhav Ampal Group, Ltd. ("MAG"), and has appointed his own representatives to supplant the boards and decision-makers at those non-debtor subsidiaries.

4. I submit this declaration (this "Declaration") in support of *Merhav (M.N.F.) Limited and Yosef A. Maiman's Cross-Motion for Protective Order*, filed contemporaneously herewith (the "Cross-Motion").¹

5. The facts set forth in this Declaration are based upon my personal knowledge or upon information and belief (where indicated). If called and sworn as a witness, I could and would testify competently to the matters set forth as follows:

B. Medical Conditions

6. Currently, I am 71 years old and reside in Herzliya, Israel. Merhav is a non-operating holding company which formerly had operating offices located in Herzliya, Israel. Merhav has no employees. I am not formally an employee of Merhav; I collect no salary, nor do I receive any social benefits.

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

¹ Capitalized terms used but not defined herein are as defined in the Cross-Motion.

[REDACTED]

10. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12. [REDACTED]
[REDACTED]
[REDACTED]

13. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

14. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15. [REDACTED]
[REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. Attached hereto as Exhibit A is a true and correct letter from one of my physicians attesting to the foregoing.

C. Financial Constraints

18. As a result of the Injunction entered in the Adversary Proceeding enjoining myself and Merhav from selling or disposing of any assets, and inasmuch as I [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. Merhav and I are unable to meet our financial commitments and have fallen behind on paying arbitration-related legal fees and expenses. I experience frequent, aggressive harassment from creditors.

20. [REDACTED]

[REDACTED]

D. The Files

21. All the documents and information sought by MAG, that exist, are located either on Merhav's electronic servers, or in boxes at Merhav's former offices at 33 Havazelet Hasharon, Herzliya, Israel (collectively, the "Files").

22. The Files also contain sensitive, personal information concerning myself and my family that is not responsive to MAG's Post-Judgment Discovery Requests.

23. [REDACTED]

24. [REDACTED]

25. Moreover, inasmuch as Merhav and I have had no source of income for approximately the last six years, and the Injunction prohibits us from selling or disposing of any assets, we cannot hire anyone to review the Files.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
and correct to the best of my knowledge and belief.

Dated: June 12, 2017

Respectfully submitted,

By: _____
Yosof A. Maiman